THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7292 of 2007

Dated: 05-06-2007

Between:

Bogi Bal Raj and others.

..... PETITIONERS

AND

The Government of A.P.,
rep. by its Principal Secretary,
Revenue Department, Hyderabad, and others.

.....RESPONDENTS

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WRIT PETITION No.7292 of 2007

ORDER:

The petitioners allegedly purchased house sites admeasuring 160 sq. yards each in survey No.358 (part) situated at Kukatpally Village, Balanagar Mandal, Ranga Reddy District. They allege that said purchase was made after sanction of approved layout from the Gram Panchayat on an application made by Weaker Section Employees Welfare Society (the society, for brevity). It is their further allegation that they have constructed temporary structures, staying there, paying necessary taxes to the Government. So as to construct pucca structures, they approached first respondent seeking regularization of their

possession. It appears that first respondent called for report from second respondent and even before some decision is taken, third respondent allegedly demolished the structures and trying to dispossess the petitioners. Therefore, they filed instant writ petition seeking appropriate relief.

This matter was heard on 10.04.2007 and 17.04.2007. On the later date, the learned Assistant Government Pleader for Revenue (General-T) brought to the notice of this Court that subject land is Government land and that the petitioners are not in possession of the same. This is, however, disputed by Sri Syed Ali Hussaini, counsel, representing Sri S.Niranjan Reddy, learned counsel for the petitioners. Further taking this Court through various material documents, he submits that the petitioners are very much in possession of subject land and that they are entitled for regularization of their occupation as per the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 read with G.O.Ms.No.455 dated 29.07.2002.

From the affidavit accompanying the writ petition as well as the other material papers, it is not clear whether any declaration was filed in respect of the land comprised in survey No.358 in which lay out was prepared by the society. There is a dispute on this. If subject land is Government land, it goes without saying that there cannot be any proceedings under the Act as the land belong to state and central Government is exempted from the provisions of the Act as per Section 9 of the Act. This Court, however, hastens to add that it is certainly a matter for enquiry and even according to the petitioners the representation(s) made by them to first respondent has/have been forwarded to second respondent for comment/report. Therefore, the petitioners may have to approach respondents 1 and 2 for necessary redressal. As the learned Assistant Government Pleader for Revenue (General-T) submits that the petitioners are not in possession, this Court is not inclined to pass any orders in their favour. However, the petitioners are given liberty to pursue the matter with respondents 1 and 2.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

05th June, 2007
ghn